

Prob12B
(7/93)

**United States District Court
for the District of Massachusetts**

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Michael Habicht

Case Number: 91 CR 10039-1

Name of Sentencing Judicial Officer: The Honorable Douglas P. Woodlock, U.S. District Judge

Date of Original Sentence: 11/7/94

Original Offense: Conspiracy in violation of 18 U.S.C. § 371; Attempted Bank Robbery 18 U.S.C. § 2113(a); Attempted Obstruction of Commerce in violation of 18 U.S.C. § 1951; and Felon in Possession of a Firearm in violation of 18 U.S.C. § 922(g)

Original Sentence: 170 months custody of the Bureau of Prisons followed by 3 years supervised release

Type of Supervision: Supervised Release

Date Supervision Commenced: 9/20/07

PETITIONING THE COURT

- ☐ To extend the term of supervision for years, for a total term of years
☒ To modify the conditions of supervision as follows:

The defendant shall refrain from the use of alcohol.

The defendant shall submit verification of participation and completion of any alcohol education programs if ordered by state court.

The defendant shall participate in home confinement with electronic monitoring for a period of 60 days and shall pay all associated costs.

CAUSE

Violation Number

Nature of Noncompliance

I

The defendant shall not commit another Federal, state, or local crime.

According to a Winthrop Police incident report prepared by Officer Perrin on 4/19/08, Mr. Habicht was observed operating a motor vehicle on Revere Street at about 1:30 a.m. A subsequent motor vehicle stop occurred which resulted in the arrest of Mr. Habicht for Operating Under the Influence. He was also cited for Marked Lanes Violation. Mr. Habicht appeared in East Boston District Court on 4/22/08 when he was arraigned on the charges.

received
5-7-08

Prob 12B

- 2 -

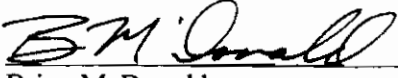
**Request for Modifying the
Conditions or Terms of Supervision
with Consent of the Offender**

U.S. Probation Officer Action:

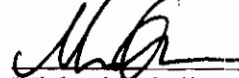
Meetings were held in the Probation Office on 4/22/08 and 4/28/08 to discuss the above-noted issue of non-compliance. Mr. Habicht has acknowledged the seriousness of the arrest as it relates to his term of supervised release. He has also indicated that his decision to consume alcohol prior to operating a motor vehicle was in poor judgement. Although Mr. Habicht has acknowledged that he would benefit from abstaining from alcohol, he feels that he is not in need of treatment at this time.

Mr. Habicht has agreed to the proposed modifications to his conditions of supervised release. We feel that this response including alcohol restrictions combined with a term home confinement with electronic monitoring is appropriate in this case. Mr. Habicht is considering a plea agreement in state court in order to become eligible for a hardship license that will enable him to maintain his current employment. Mr. Habicht may be ordered to participate in an education program for first time OUI offenders in state court. He has agreed to provide our office with confirmation of his enrollment and completion of any such program. Respectfully, the Probation Department suggests that the proposed modification is an appropriate response regardless of the outcome of the pending charges.

Reviewed/Approved by:



 Brian McDonald
 Supervising U.S. Probation Officer

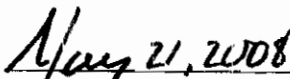
Respectfully submitted,

By 
 Michael J. Galluzzo
 U.S. Probation Officer
 Date: 05/05/08

THE COURT ORDERS

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other


 The Honorable Douglas P. Woodlock
 U.S. District Judge


 Date
